

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**GENERAL MANAGEMENT PLAN AMENDMENT/
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**Biscayne National Park
Homestead, Florida**

Summary

Pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190) and the regulations promulgated by the Council of Environmental Quality (40 CFR Part 1500), the Department of the Interior, National Park Service has prepared this Record of Decision for the *General Management Plan Amendment/Final Environmental Impact Statement* addressing the management of the Stiltsville structures in Biscayne National Park. The plan allows for diverse public use of Stiltsville, protection of resources in the vicinity of the stilt structures, protection of public health and safety, and establishes a financial framework for reducing the park's costs for maintaining and operating the structures.

This record of decision includes a statement of the decision made, synopsis of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a discussion of impairment of park resources and values, a summary of measures to minimize harm, and an overview of public involvement in the decision-making process.

Decision (Selected Action)

After thorough analysis and extensive public involvement, the National Park Service will implement Alternative A (the preferred alternative in the *General Management Plan Amendment/Final Environmental Impact Statement*) to help guide the management of the Stiltsville structures in Biscayne National Park. Alternative A was selected because it meets park objectives, supports the purpose of the park, and minimizes adverse effects to the park's resources while providing for public use and enjoyment of those resources.

Under Alternative A, one or more organizations or individuals may create a single non-profit organization under the regulations of the Internal Revenue Service and non-competitively enter into an appropriate arrangement with the National Park Service for the management and use of the Stiltsville structures. The Stiltsville organization would develop, manage, and maintain the seven existing Stiltsville structures to provide broad public access and diversity of use consistent with National Park Service policy and best management practices for environmental protection. Alternative A would include a mix of uses that may include:

Public functions and services including non-profit organization functions, public and private education programs, scientific research activities, an artist-in-residence program, professional meetings and retreats, day use, and rustic campsites.

National Park Service functions, including interpretation, resource management, and ranger activities.

The process of creating the non-profit organization and the operation of that organization would be carried out by stakeholders who represent a cross-section of the community, including the former Stiltsville leaseholders. Public functions may be provided by other entities through agreements with the Stiltsville organization. The organization would seek donated funds and grants from a wide variety of people and organizations or funds from entities participating with the organization to repair, rehabilitate, and operate the buildings at Stiltsville to support the intended uses. They may also generate funds for these purposes through user fees.

Implementation of Alternative A will result in the following:

Benefits for broad segments of the public through increased public access to the Stiltsville structures and improved education about the surrounding marine environment and resources.

An improved ability to deliver important interpretive and educational information to visitors using the northern portion of the park.

Preservation of an important and distinctive icon of past and present life in south Florida, as well as an opportunity for the public to experience Stiltsville and learn of its history.

Increased National Park Service capability to carry out operational and administrative responsibilities in the northern portion of the park.

Other Alternatives Considered

Three additional alternatives, including a no action alternative, were analyzed for impacts on the environment and are described briefly below.

Alternative B would result in the National Park Service being responsible for the renovation, management, and operation of the Stiltsville structures. The designated uses of the structures would be similar to Alternative A.

Under Alternative C, the structures would be leased for private use based on current authorities. Potential lessees would compete for the right to lease the structures. The size or footprint of the structures would not be expanded. The purposes for which the structures could be leased would include uses similar to those under Alternative A as well as private uses similar to those under the former non-renewable leases. Preference would be given to individuals or groups that would provide for some level of public access.

Alternative D, the no action alternative, would implement the provision of the non-renewable leases that calls for the removal of the structures from the Stiltsville area.

Environmentally Preferred Alternative

The environmentally preferred alternative is defined by the Council on Environmental Quality as the alternative that best meets the criteria or objectives set out in Section 101 of the National Environmental Policy Act. The environmentally preferred alternative best meets the following requirements:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
4. Preserve important historical, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
5. Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment; it is the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. This discussion also summarizes the extent to which each alternative meets Section 102(1) of the National Environmental Policy Act, which asks that agencies administer their own plans, regulations, and laws to be consistent with the policies outlined above to the fullest extent possible.

Implementation of Alternative A would offer protection of the surrounding bay environment through implementation of best management practices for maintenance and operations of the structures and through controlled access to and use of the structures. Operating requirements would include recycling and use of renewable energy sources. Additionally, increased public education and enhanced research would improve the public's knowledge and appreciation of Biscayne Bay. The Stiltsville non-profit organization would act to improve the structures to enhance public safety and access to the structures within the surrounding seascape, and would provide a wide range of beneficial public uses for civic and youth groups, the general public, the research and education communities, and National Park Service park administration. This would occur in a manner that was sustainable within the bay environment. Through enhanced access

for the general public regardless of affiliation with a particular group, a broad range of community members would be able to visit and benefit from the Stiltsville structures and their location within a protected natural environment.

Alternative B would have impacts on park resources and visitor use and experience at Biscayne National Park very similar to those described for Alternative A. Management of the site by National Park Service would place a greater portion of the costs of rehabilitation and operations on the federal government.

Alternative C would also have impacts on park resources and visitor use and experience similar to those described in Alternative A; however, realization of many of the public benefits described in Alternative A would depend on viable bids to provide public access being offered to and accepted by National Park Service from private individuals or entities. A high number of leases offering services similar to those provided under Alternative A would result in broad public benefit. Leases that provide only exclusive private use would serve to limit public access and thus the public benefit that would be provided by the Stiltsville structures.

Alternative D, the no action alternative, would satisfy the six requirements of Section 101 of the National Environmental Policy Act. Alternative D would remove the structures and would provide the greatest potential to restore the bay's natural resources and protect natural and cultural resources over time. Under Alternative D, the area available for seagrass bed regeneration would increase which would provide habitat and forage for numerous wildlife and bird species including endangered and threatened species as well as enhance ecologically critical areas. Reduced use of the area by visitors would provide enhanced protection to submerged cultural resources. Removal of the structures would also eliminate safety hazards presented by their use. Although removal of the structures would eliminate their use by the public and the aesthetic contribution that many feel they make, Alternative D would continue to provide for a wide range of recreational opportunities in the Stiltsville area. Compared to the action alternatives, removing the structures under Alternative D would result in a loss of an opportunity to present the history of the area in the unique environment of Stiltsville; however, the history of the structures and the Stiltsville area could be told using other interpretive means. Because the structures have not been accepted for listing on the National Register of Historic Places, it is considered by the National Park Service that the environmental benefits that would be achieved with removal of the structures outweigh the status of the structures as historical resources.

Based on the environmental analysis prepared for management of the Stiltsville structures, Alternative D is considered the environmentally preferred alternative. Although Alternative A satisfies to some degree the six requirements detailed above including preservation of structures that some deem an important component of south Florida's history, Alternative D attains the widest range of beneficial uses of the environment, natural and cultural preservation, and visitor safety and enjoyment, without degradation of resources.

Measures To Minimize Environmental Harm

The National Park Service has investigated all practical means to avoid or minimize environmental impacts that could result from implementation of the selected action. Alternative A incorporates mitigation measures to minimize and offset potential adverse impacts which are presented in detail in the *General Management Plan Amendment/Final Environmental Impact Statement*. Monitoring and enforcement programs will oversee the implementation of mitigation measures. These programs will assure compliance monitoring; biological and cultural resource protection; vessel and operator training management; pollution prevention measures; visitor safety and education; and other mitigation measures. The specific mitigation measures associated with Alternative A are summarized in the following section, Basis for Decision.

Basis for Decision

The National Park Service determined that Alternative A provides the greatest benefit to both the biological and human environments in the park and the surrounding communities. Based upon detailed environmental analysis and with consideration of public and agency comments on all the alternatives, this alternative was deemed to best achieve the mandates of the National Park Service to ensure long-term natural and cultural resource preservation, while accommodating appropriate levels of visitor use and providing appropriate means of visitor enjoyment. It is the option which best reconciles the diverse needs and desires expressed by reviewers. Though Alternative A is not the environmentally preferred alternative, its environmental impacts are acceptable and it includes mitigation measures and best management practices to minimize or offset potential adverse impacts. The National Park Service need not choose the environmentally preferred alternative if another alternative better achieves its goals and objectives, especially where, as here, the selected alternative includes mitigation measures and represents a significant improvement over the status quo.

Alternative A best achieves the numerous goals and objectives which guided the conservation planning/impact analysis process, and it fulfills the purposes of the park as described in the park's enabling legislation. Specific elements of Alternative A that were integral to its selection in this decision-making process, including mitigation measures and best management practices that will be implemented to minimize or offset potential adverse impacts, are discussed below.

Public Use and Access

Alternative A will provide for increased public access to and use of the Stiltsville structures. The non-profit entity that will be created would enter into an appropriate arrangement with the National Park Service for the management, operation, and use of the Stiltsville structures. The selected alternative provides for day use of the area as well as, an interpretative center, educational facilities, research facilities, and other amenities that will be available to the general public. Visitors to Stiltsville will receive information and participate in programs provided at an onsite interpretive center or through educational and scientific functions provided by other organizations on one of the other structures. A user capacity will be set for each structure according to its designated use.

Protecting Park Resources

Alternative A was chosen because it provides a high degree of protection for park resources while allowing public use and enjoyment of those resources. The educational and interpretive functions proposed under Alternative A help to foster a long-term appreciation and understanding of the marine resources surrounding Stiltsville.

All practical means to minimize and offset potential adverse impacts to the environment are included in Alternative A. The number of boats accessing the structures will be limited, user groups will be specifically designated, and vessel operators will be trained to safely and carefully navigate in the shallow marine environment. The National Park Service will encourage the use of four-cycle direct fuel injection engines and non-fossil fuel oils on boats to minimize air and water pollution.

The use of best management practices during construction, operation, and maintenance of the structures will minimize potential adverse impacts on park resources. For example, users of the structures will not be allowed to store hazardous or toxic materials on the structures except as required (e.g., paint, cleaning supplies) and in limited quantities. Non-toxic construction materials will be used during rehabilitation of the structures. Sanitary wastes will be strictly controlled and appropriate storage and disposal methods employed.

Conditions for Removal

Alternative A provides a decision framework for determining whether a structure should be removed or rehabilitated in the event the structure is severely damaged in a storm or other event.

Protecting Health and Safety

The selected alternative protects the health and enhances the safety of users of the Stiltsville structures as well all Biscayne National Park visitors and nearby communities. Regulating the proper storage and disposal of hazardous materials, sanitary wastes and trash will enhance protection of public health and safety. The structures will be rehabilitated to be compliant with relevant building codes and designed to provide adequate protection for users, including visitors with physical disabilities. The potential for increased presence of NPS law enforcement in the northern portion of the park will further enhance protection of the public.

Sustainable Environmentally Compatible Design

Alternative A was selected, in part, because it employs sustainable and environmentally compatible design. The size or footprint of the Stiltsville structures will not be increased as a result of renovation. The renovation will be accomplished using materials that are non-toxic to the environment. Design elements such as wastewater storage systems and solar power will be employed to enhance the environmental compatibility and sustainability of the structures.

Financial Responsibility

With selection of Alternative A, the structures will eventually be financially self-sustaining. Agreements between the Stiltsville non-profit organization and partnering

organizations will ensure that management and maintenance costs are borne by the user organizations with the exception of the structure(s) utilized by the National Park Service. The organization will bear the initial costs to renovate the structures. Depending on the intended use of the structures, renovation can range from primitive facilities with minimal or no services to structures that could provide visitors with potable water, bathrooms, minimal lighting, or running water. The costs for renovation ranges from \$200,000 to \$500,000 per structure, depending on the amenities made available.

Finding on Impairment of Park Resources and Values

NPS Management Policies 2001 requires analysis of potential effects to determine whether the actions would impair park resources. As stated in Management Policies section 1.4.5.

The impairment that is prohibited...is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resource or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

Any impact to any park resource or value may constitute an impairment. However, an impact would be most likely to constitute impairment if it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents.

The National Park Service has determined that implementation of Alternative A, the preferred alternative, will not constitute impairment of Biscayne National Park resources and values. In reaching this determination, the park's enabling legislation (P.L. 90-606) and General Management Plan (NPS 1983) were reviewed to ascertain the park's purpose and significance, resource values, and resource management goals or desired future conditions; the management objectives specific to resource protection goals at the park were identified; thresholds were established for each resource of concern to determine the context, intensity, and duration of impacts; and an analysis was conducted to determine if the magnitude of the impact reached the level of impairment defined in NPS Management Policies 2001 (NPS 2000). Based on a thorough analysis of the environmental impacts described in the *General Management Plan Amendment/Final Environmental Impact Statement*, the public comments received, and the application of the provisions of the NPS Management Policies 2001, the National Park Service has

concluded that the implementation of the preferred alternative will not result in impairment of any of the resources or values of Biscayne National Park.

The actions comprising the preferred alternative are intended to protect and enhance the park's natural and cultural resources while providing for a high-quality visitor experience. The preferred alternative will have beneficial long-term effects on public health and safety and visitor use and experience that range from negligible to moderate. With implementation of Alternative A, negative impacts could potentially occur to water quality, biological resources, endangered or threatened species, ecologically critical areas, cultural resources, natural soundscape, visual resources, and park operations. The predicted impacts would be at acceptable levels, ranging from negligible to moderate, generally short-term, and could be mitigated through management actions. Furthermore, it has been determined that Alternative A will not significantly impact a resource or value whose conservation is 1) necessary to fulfill specific legislative purposes; 2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or 3) identified as a goal in the park's general management plan or other relevant NPS planning document.

Description of Public Involvement in the Decision-making Process

As directed by the National Park System Advisory Board, the Stiltsville Advisory Committee was established in January 2001 to identify and recommend appropriate future public uses of Stiltsville, and to develop and recommend decision trees to guide the future operation of the seven stilt structures in Biscayne National Park. Advisory Board member, Marie Ridder, was selected by Chairman John Hope Franklin to head the Stiltsville committee. Elected officials, the legal representatives of the private leaseholders, the National Park Service, and Ms. Ridder nominated individuals from the community to be appointed by Chairman Franklin. All 21 nominations received were appointed to the Stiltsville committee.

In an effort to understand the issues involved in recommending future public use of the seven stilt structures, the committee met on March 19, 2001 for an orientation of Biscayne National Park and a site visit to Stiltsville. The committee also met on March 20 and 21 and again on May 15, 2001. All meetings were open to the public and announced via a direct mailing to over 900 people, in news stories, and with an open invitation in a letter to the editor of the Miami Herald. An open house session was held on the evening of March 20, 2001 to encourage public participation and comment regarding appropriate public uses of the Stiltsville structures. An e-mail address was created to accept electronic comments and the park accepted faxed comments on behalf of the committee.

The committee reviewed input from the National Park Service, members of the committee, and comments and suggestions from the public. They considered several scenarios for the future of Stiltsville, including mothballing and removing the structures, but the committee came to the unanimous decision that the existence of the structures and the surrounding environment is a critical area and important to the citizens of south Florida and all Biscayne National Park visitors.

Two public scoping meetings were held to solicit comments for the development of the *General Management Plan Amendment/ Environmental Impact Statement* for managing the Stiltsville area. The meetings were held on September 24 and 25, 2001, at locations in Miami and Homestead, Florida. The meetings were held in a casual, open-house style, and were well attended.

Building upon the March 2001 meetings, the National Park System Advisory Board chaired two subsequent meetings of the Stiltsville Advisory Committee on May 4 and 5, 2002, in Miami, Florida. The meetings were open to the public and notification included sending notices to the park's mailing list announcing the committee meetings, and both website and newspaper notifications. The purpose of the meetings was to develop a preferred alternative for the use and management of Stiltsville that would amend the park's existing general management plan.

The May 27, 2002 meeting with the National Park Service Advisory Board was held via teleconference. A notice of the meeting was placed in the *Federal Register* and the meeting was open to the public. The Board members called in from locations around the country. The purpose of the meeting was to allow the Board to discuss and vote on the recommendations that the Committee had made at the May 4 and 5 meetings. The Board approved the May 5 recommendations of the Committee.

As part of the May 27 National Park System Advisory Board teleconference meeting, public meeting locations were set up in Washington, D. C. and at Biscayne National Park headquarters in Homestead, Florida. During the conference call the Board set aside time for public comments.

A total of 85 comments were gathered at these public scoping meetings. The majority (56 percent) of the comments favored maintaining the status quo with the existing lessees remaining in long-term leases and control of the structures. Twenty-four percent of the comments expressed doubts that the National Park Service would be able to maintain and manage the structures and suggested that either status quo or another option be offered. Eighteen percent of the attendees were in favor of the structures being open for public use, and only one attendee recommended that the structures be removed.

The park's website has presented comprehensive information about Stiltsville and the planning effort, and has been used to solicit comments via e-mail. The information presented on the website includes meeting dates and locations, press releases, planning updates, and contact information as well as documents specific to the planning process.

The *General Management Plan Amendment/Draft Environmental Impact Statement* was released to the public on December 6, 2002. A notice of availability published in the *Federal Register* on December 6, 2002 initiated a 60-day public review and comment period on the document which ended on February 13, 2003. Public open houses were held in Homestead on December 16, 2002, and in Miami on December 17, 2002. Comment sheets were provided for people to submit written comments, and a

stenographer was on hand to record verbal comments. The public was encouraged to comment via the Internet at the park's website.

A total of 21 documents resulting from review of the *General Management Plan Amendment/Draft Environmental Impact Statement* were received from individuals, organizations, and agencies. The National Park Service analyzed all comments received during the public comment period to identify and respond to substantive issues. Approximately half of the documents received contained substantive comments.

The notice of availability for the *General Management Plan Amendment/Final Environmental Impact Statement* was published in the May 9, 2003 *Federal Register*. The 30-day "no action" period ended on June 9, 2003.

CONCLUSION

Alternative A, the selected action, provides the most comprehensive and proactive strategy among the alternatives considered for meeting the National Park Service's purposes, goals, and criteria for managing the Stiltsville structures in Biscayne National Park in accordance with Congressional direction, federal laws, and NPS Management Policies. The selection of Alternative A, as reflected by the analysis contained in the *General Management Plan Amendment/Final Environmental Impact Statement*, would not result in the impairment of park resources or values and would allow the National Park Service to conserve park resources and provide for their enjoyment by park visitors.

Approved: _____ **Date:** _____

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